

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Appln. No.: 10/725,327

REMARKS

The Office Action of July 28, 2005 has been received and its content carefully considered.

Claims 1 to 19 are all the claims pending in the application, prior to the present Amendment.

Claims 1-18 have been rejected under 35 U.S.C. § 102(e) as anticipated by Taoda et al. The Examiner's statement of this rejection is the same as in the Office Action of January 3, 2005.

In addition, claim 19 has been rejected under 35 U.S.C. § 103(a) as obvious over Taoda et al in view of Suzuki et al. The Examiner's statement of this rejection is the same as in the previous Office Action.

Applicants submit that Taoda et al and Suzuki et al do not defeat the patentability of the present claims and, accordingly, request withdrawal of these rejections.

Applicants have canceled claim 1 and have amended claim 2 to require the presence of brookite. In addition, applicants have amended various dependent claims so that they no longer depend from canceled claim 1.

As set forth in claim 2, the present invention is directed to a photocatalytic powder comprising titanium dioxide fine particles comprising an anionically active substance, wherein

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the fine particles have an electrokinetic potential of from about -100 mV to -10 mV in an aqueous environment at pH 5, and wherein the crystal form of the titanium dioxide fine particles comprises brookite.

Taoda et al only disclose the anatase form, at column 3, lines 55 to 59, and fail to disclose the brookite form. Since Taoda et al only disclose the anatase form, the structure of the particles of the presently claimed invention is completely different from that of Taoda et al, and the particles of Taoda et al do not inherently have the properties of the presently claimed particles.

In view of the above, applicants submit that Taoda et al and Suzuki et al do not defeat the patentability of the present claims and, accordingly, request withdrawal of these rejections.

The Office Action contains as an attachment an Interview Summary of the telephone interview that undersigned counsel had with the Examiner on July 6, 2005. The substance of the interview is accurately reflected in the Interview Summary.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

Sheldon I. Landsman
Sheldon I. Landsman
Registration No. 25,430

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
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CUSTOMER NUMBER

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